THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22479 OF 2005

18-11-2005

Between:

Paryavarana Parirakshana Samithi, Visakhapatnam, rep. by

Its Secretary & Another.

……PETITIONERS

And

District Collector, Visakhapatnam & Others.

…….RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22479 OF 2005

ORDER: (Per Hon'ble Sri Bilal Nazki, ACJ)

This writ petition has been filed in public interest, by members of 'Paryavarana Parirakshana Samithi', M.V.P.Colony, Visakhapatnam and another individual.

It is submitted that respondent No.2 – Municipal Corporation of Visakhapatnam is contemplating a project to construct a storage tank for storing the water, which comes out of the Sewage Treatment Plant. This water, without being treated, is to be stored in a tank and then supplied to the parks around the area. It is submitted that since the water, which is proposed to be stored in the tank would be untreated water, it would create pollution for the residents of the area.

On an earlier occasion, when we heard the matter, we had asked the Pollution Control Board to give a report. The Municipal Commissioner, Visakhapatnam has also filed his counter-affidavit and we have heard learned Counsel for the parties.

According to the Pollution Control Board, no permission has been taken by the Municipal Corporation for construction of the tank. If in the present situation, the Municipal Corporation is allowed to construct the tank, there is likelihood of infections being transmitted by storage of water in the tank and its distribution to the gardens. However, the Pollution Control Board is of the view that in case the Municipal Corporation upgrades the STP to BOD of less than 20 mg/litre, and dis-infection is also done, the storage of such sewage in a closed roof RCC tank cannot be anticipated to be a big threat to the neighbouring areas (However, the Municipal authorities shall have to take proper measures for laying proper pipelines and to prevent any leakages at any time). It is also not disputed that the Municipal Corporation is bound to get prior consent from the Pollution Control Board to start such an activity.

Therefore, we dispose of this writ petition, with a direction to the

Municipal Corporation of Visakhapatnam not to start the project without getting necessary clearance from the Pollution Control Board. If the Pollution Control Board grants permission to the Municipal Corporation to go ahead with the project, they shall also monitor the project as and when it is started, so that all steps are taken, which are necessary to minimize the chances of any pollution to the inhabitants of the area. No order as to costs.

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(BILAL NAZKI, ACJ)

18th November 2005

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(R.SUBHASH REDDY,J)

ajr